

No.

7900104



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

North Carolina Agricultural Research Service

**Whereas, THERE HAS BEEN PRESENTED TO THE
Secretary of Agriculture**

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *seventeen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXHIBIT IT TO OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR SAVING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE RIGHTS. (34 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

PEANUTS

'NC 7'



In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 16th day of October in the year of our Lord one thousand nine hundred and eighty.

Attest:

Lynard H. Lee
Commissioner

Plant Variety Protection Office
Agriculture Division

R. B. Berry

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK, POULTRY, GRAIN & SEED DIVISION

FORM APPROVED
OMB NO. 40-R3822

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Reverse.

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

1a. TEMPORARY DESIGNATION OF VARIETY NC 17209		1b. VARIETY NAME NC 7		FOR OFFICIAL USE ONLY PV NUMBER 7900104	
2. KIND NAME Peanuts		3. GENUS AND SPECIES NAME Arachis hypogaea L.		FILING DATE 8-15-79	TIME 9:30 <input checked="" type="radio"/> A.M. <input type="radio"/> P.M.
4. FAMILY NAME (BOTANICAL) Leguminosae		5. DATE OF DETERMINATION June 8, 1978		FEE RECEIVED \$ 500.00 \$ 250.00	DATE 8-15-79 9-29-80
6. NAME OF APPLICANT(S) North Carolina Agricultural Research Service		7. ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) North Carolina State University, School of Agric. and Life Sciences, Box 5847, Raleigh, NC 27650		8. TELEPHONE AREA CODE AND NUMBER 919-737-2718	
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION: (Corporation, partnership, association, etc.) Public Institution			10. IF INCORPORATED, GIVE STATE AND DATE OF INCORPORATION		11. DATE OF INCORPORATION
12. NAME AND MAILING ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS: R. W. McMillen, Manager, N. C. Foundation Seed Producers, Inc., P. O. Box 5687, State College Station, Raleigh, NC 27650					
13. CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:					
<input checked="" type="checkbox"/> 13A. Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)					
<input checked="" type="checkbox"/> 13B. Exhibit B, Novelty Statement.					
<input checked="" type="checkbox"/> 13C. Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)					
<input checked="" type="checkbox"/> 13D. Exhibit D, Additional Description of the Variety.					
14a. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a). (If "Yes," answer 14B and 14C below.) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO					
14b. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			14c. IF "YES," TO 14B, HOW MANY GENERATIONS OF PRODUCTION BEYOND BREEDER SEED? <input checked="" type="checkbox"/> FOUNDATION <input checked="" type="checkbox"/> REGISTERED <input checked="" type="checkbox"/> CERTIFIED		
15a. DID THE APPLICANT(S) FILE FOR PROTECTION OF THIS VARIETY IN OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," give name of countries and dates.)					
15b. HAVE RIGHTS BEEN GRANTED THIS VARIETY IN OTHER COUNTRIES? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (If "Yes," give name of countries and dates.)					

16. DOES THE APPLICANT(S) AGREE TO THE PUBLICATION OF HIS/HER (THEIR) NAME(S) AND ADDRESS IN THE OFFICIAL JOURNAL? ☒ YES ☐ NO

17. The applicant(s) declare(s) that a viable sample of basic seed of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

7-13-79

(DATE)

Kenneth R. Della

(SIGNATURE OF APPLICANT)

(DATE)

(SIGNATURE OF APPLICANT)

INSTRUCTIONS

GENERAL: Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$500 fee (\$250 filing fee and \$250 examination fee) to U.S. Dept. of Agriculture, Agricultural Marketing Service, Livestock, Poultry, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (See section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

ITEM

- 5 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- 13a Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.
- 13b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.
- 13c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 13d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as, plant habit, plant color, disease resistance, etc.
- 14a If "YES" is specified (seed of this variety be sold by variety name only as a class of certified seed) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "NO," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)
- 15a See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.

EXHIBIT A

ORIGIN AND BREEDING HISTORY OF 'NC 7'

'NC 7' is a large-seeded Virginia-type peanut (Arachis hypogaea L.) cultivar selected as a single plant in the fourth generation following a cross of 'Fla 393' and 'NC 5'. The female parent, Fla 393, was selected from the cross of 'F 334A-3-5-5-1' x 'Jenkins Jumbo'. F 334A-3-5-5-1 resulted from the cross of Ga 207-3 x F 230-118-2-2. The parents of the F 230 cross were Fla. Small Sh. Spanish 3X-2 and Dixie Giant. The parents of the Ga 207 cross were Basse x Spanish 18-38. NC 5, the male parent, resulted from the cross of C 12 x A 18. The pedigree of these lines was as follows:

C 12 = NC Bunch x PI 121067

A 18 = NC 4 x Spanish 2B

The cross was made in 1966. The first three generations were grown in the greenhouse using the single seed descent breeding method. Seed from a single plant in the fourth generation were bulked and tested as NC 17209. NC 7 was released in the fourteenth generation. Since NC 7 is a pure line, it is a uniform and stable cultivar. Uniformity is maintained by removal of any off-type plant during the production of breeders' seed.

EXHIBIT B
NOVELTY STATEMENT

'NC 7' is a unique peanut (Arachis hypogaea L.) cultivar. Plants of NC 7 are more similar to plants of the cultivar 'NC 5' than any other peanut cultivar, including general appearance and growth habit. Plants of both cultivars have small leaves, short main stem and short cotyledonary laterals giving rise to a semi-runner growth habit. Leaves of NC 7 average 5.78 ± 0.356 cm in length and 2.36 ± 0.182 cm in width. The main stem length of NC 7 is 33.4 ± 4.3 cm, and the laterals average 53.9 ± 4.3 cm.

The main distinguishing differences between NC 7 and NC 5 are the larger pods and seeds of NC 7. Fancy-sized pods (in-shell peanuts that ride a 34/64-in. spacing of USDA presizer) for NC 7 is 83% compared to 64% for NC 5, while extra large kernels (kernels which ride a 21.5/64 x 1-in. screen) average 66% for NC 7 and 39% for NC 5 (Appendix 1, Exhibit B). The differences are based on two years, two locations and three replications and are significant at the 5% level. The average weight (g) over three years of a 100-seed sample was 81 for NC 5 and 101.5 for NC 7. This is also significant at the 5% level.

NC 7 has been observed to mature up to 20 days earlier than NC 5 in field studies conducted over six years in North Carolina and Virginia. The earlier maturity is reflected in higher yield performance of NC 7 at early digging dates. NC 7 also has moderate resistance to the southern corn rootworm (Diabrotica undecimpunctata howardi Barber) while NC 5 is susceptible. NC 7 averages approximately 50% less damage than NC 5 in field evaluations in North Carolina.

APPENDIX 1, EXHIBIT B

Two-Year Comparison of Fancy-Size Pods and Extra-Large Kernels of NC 7
and NC 5 (1975-1976 Virginia-North Carolina Peanut Variety
and Quality Evaluation Program)

Variety	% Fancy-sized pods				% Extra-large kernels			
	1975		1976		1975		1976	
	Digging		Digging		Digging		Digging	
	1	2	1	2	1	2	1	2
NC 7	76a ¹	74a	93a	91a	57a	58a	58a	59a
NC 5	58b	55b	68b	65b	35b	37b	33b	35b

¹Each mean is an average of four locations (two locations/year) with three replications per location. Means with different letters within digging dates are significantly different at the 5% level according to Duncan's new multiple range test.

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782
OBJECTIVE DESCRIPTION OF VARIETY
PEANUT (*Arachis hypogaea*)

AUG 0 9 1975

NAME OF APPLICANT(S) North Carolina Agricultural Research Service	VARIETY NAME OR TEMPORARY DESIGNATION NC 7
ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code) North Carolina State University School of Agriculture and Life Sciences Box 5847 Raleigh, NC 27650	FOR OFFICIAL USE ONLY PVPO NUMBER 7900104

Place the appropriate number that describes the varietal character of this variety in the boxes below.
Place a zero in first box (e.g. or) when number is either 99 or less or 9 or less.

1. BOTANICAL TYPE:

Flowering on the Main Stem: 1 = ABSENT 2 = PRESENT

Branching Pattern: 1 = ALTERNATE - Pairs of vegetative & reproductive branches (Virginia) 3 = OTHER (Specify) _____
2 = SEQUENTIAL - Continuous reproductive branches (Valencia-Spanish) _____

2. PLANT:

Habit: 1 = PROSTRATE (*Florunner*) 2 = DECUMBENT (NC-5) 3 = SEMI-ERECT (*Florispan*) 4 = ERECT (*Starr*) Branching: 1 = SPARSE (*Valencia*) 2 = MODERATE (*Starr*)
3 = PROFUSE (*Florunner*)

3. MATURITY:

Region: 1 = VIRGINIA, NORTH CAROLINA 2 = S.E. UNITED STATES 3 = S.W. UNITED STATES 4 = OTHER

NUMBER OF DAYS TO MATURITY

NO. OF DAYS EARLIER THAN 1 = STARR 2 = FLORUNNER 3 = FLORIGIANT
4 = VIRGINIA 61R 5 = NC-2

NO. OF DAYS LATER THAN 6 = NC-5 7 = SOUTHEASTERN RUNNER 56-15
8 = OTHER (Specify) NC 17

4. LEAVES:

COLOR AT 60 DAYS: (Nickerson Color Designation): 1 = LIGHT GREEN (10Gy 6/9) 2 = MEDIUM GREEN (2.5G 5/9)
3 = DARK GREEN (5G 4/7) 4 = OTHER (Specify) _____

MM. LEAFLET LENGTH (Basal leaflet of the youngest fully opened leaf)

LEAFLET LENGTH/WIDTH RATIO

5. POD: (Average for 20 pods at maturity)

MM. LENGTH MM. DIAMETER

KG./HA. POD YIELD

% LESS THAN 1 = STARR 2 = FLORUNNER 3 = FLORIGIANT
4 = VIRGINIA 61R 5 = NC-2

% MORE THAN 6 = NC-5 7 = SOUTHEASTERN RUNNER 56-15
8 = OTHER (Specify) _____

% FANCY SIZE: (% riding 13.46 mm., 34/64 inch, spacing set on presizer roller)

5. POD (Average for 20 pods at maturity):

NUMBER OF SEEDS PER POD: 1 = 1 2 = 2 3 = 3 4 = 3-4 5 = 2-3-4
 CONstriction: 1 = SHALLOW OR NONE (Virginia 56R, Argentine) 2 = MEDIUM (Virginia 61R) 3 = DEEP (Starr)
 SURFACE: 1 = GLABROUS (Florunner) 2 = PUBESCENT (Florispán)
 BEAK: 1 = ABSENT 2 = INCONSPICUOUS 3 = PRONOUNCED

6. SEED (Mature, cured but not aged):

COAT COLOR: 1 = WHITE (Pearl) 2 = CREAM 3 = TAN (Starr) 4 = BROWN 5 = PINK (Florigiant)
 6 = RED 7 = PURPLE 8 = DARK PURPLE 9 = VARIGATED
 10 = OTHER (Specify) _____
 COAT SURFACE: 1 = SMOOTH 2 = INDENTED 1 = UNIFORM COLOR 2 = BLEMISHED
 1 = SPHERIODAL (Starr) 2 = SHORT-BROAD (Florunner) 3 = ELONGATED-SLENDER (Dixie Runner)
 SHAPE: 4 = CYLINDRICAL-TAPERED ENDS 5 = CYLINDRICAL-BLUNT ENDS (NC-2) 6 = OTHER (Specify) _____
 MM. LENGTH MM. WIDTH GRAMS PER 100 SEED (8% Moisture)

7. DISEASE RESISTANCE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

SOUTHERN STEM ROT RUST
 EARLY LEAF SPOT VIRUS X
 SOUTHERN LEAF SPOT MOSAIC
 POD ROT COMPLEX OTHER (Specify) _____

8. INSECT RESISTANCE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

THRIPS BURROWING BUG
 LEAF HOPPER NEMATODE (Specify species) *6/21/8*
 SOUTHERN CORN ROOTWORM LESSER CORNSTALK BORER
 APHID OTHER (Specify) _____ *pr m*

9. COMPARISON OF SUBMITTED VARIETY WITH ONE OR MORE SIMILAR VARIETIES:

VARIETY	OIL* (%)	PROTEIN* (%)	OLEIC: * LINOLEIC ACID RATIO	IODINE* NUMBER	SHELLING (%)	SMK** (%)	ELK+ (%)	MAIN STEM HEIGHT (CM)
SUBMITTED	47.3	30.4	--	90.7	76	74	56	33
SIMILAR	48.1	30.9	--	95.9	73	70	33	35
NAME OF SIMILAR VARIETY	Florigiant	Florigiant		Florigiant			Florigiant	

* From Sound Mature Kernels.

** Sound Mature Kernels

+ Extra Large Kernels

10. INDICATE A VARIETY WHICH MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER	VARIETY	CHARACTER	VARIETY
POD COLOR	Florigiant	SEEDLING VIGOR	NC 6
SEED DORMANCY	Florigiant	HULL THICKNESS	NC 2
SEED SIZE	NC 17	LEAF COLOR	Florigiant

11. COMMENTS (Additional description or clarification — Such as: Relative disease reactions may be compared with standard varieties)

EXHIBIT D
ADDITIONAL DESCRIPTION OF THE VARIETY

Peanuts of 'NC 7' have a lower iodine value and a better storability than peanuts of either 'NC 5' or 'Florigiant'.

NC 7 produced a slightly higher mill outturn than Florigiant when farmer stock peanuts were shelled. NC 7 produced considerably more extra large kernels and fewer No. 1 size kernels than Florigiant. NC 7 averaged 16.8% jumbo pods compared to 11.2% for Florigiant.

Flavor scores based on test panel evaluations were similar for NC 7 and Florigiant. The processing quality of raw extra large and medium grade kernels for both NC 7 and Florigiant was also similar except kernels of Florigiant blanched easier and split less during blanching than NC 7. Both NC 7 and Florigiant blanched easier than NC 5.

The No. 1 and No. 2 grade peanuts of both NC 7 and Florigiant processed satisfactorily for peanut butter. Both cultivars gave USDA grade A peanut butter with similar characteristics.

Seed Regulatory and Testing Branch
Livestock and Seed Division
Building 506, BARC-East
Beltsville, Maryland 20705
(301)503-9356

In reply refer to:
FSA 94-0441

JUL 18 1994

The Clint Williams Company
Post Office Box 310
Madill, Oklahoma 73446-0310

Gentlemen:

We have information that on or about April 13, 1994, you sold, by variety name, uncertified seed of the NC7 variety of peanut.

NC7 is a variety protected under the Plant Variety Protection Act. The certificate of Plant Variety Protection for this variety indicates that the seed shall not be sold by variety name unless it is certified seed. Under Federal law, Title V of the Federal Seed Act, it is illegal to sell or offer for sale or advertise NC7 peanut seed by variety name unless the seed is certified.

This warning is issued under Section 412 of the FSA which provides that in certain circumstances a suitable warning may be issued instead of other action. A copy of the FSA and regulations is enclosed.

In addition to complying with the Federal Seed Act, persons handling seed of any protected variety are urged to exercise care to avoid infringing rights granted under Section III of the Plant Variety Protection Act.

Sincerely,

L.D. Dreyer
Seed Marketing Specialist

Enclosures

bcc: C. Leamons (TX lab. No. 93-94-0885-LI)
M. Waymack (TX)
M. Vandeventer (OK)
K. Evans (PVPO)

Action is limited to a warning since this is our first record of violation of the FSA by this company.

Seed Regulatory and Testing Branch
Livestock and Seed Division
Building 506, BARC-East
Beltsville, Maryland 20705
(301) 344-4430

16 MAR 1990

Williston Peanuts, Inc.
Post Office Box 606
Williston, Florida 32696

In reply refer to:
FSA 89-0907

Gentlemen:

We have information that on April 7, 1989, you sold, by variety name, uncertified seed of the NC-7 variety of peanut.

NC-7 is a variety protected under the Plant Variety Protection Act. The certificate of Plant Variety Protection for this variety indicates that the seed shall not be sold by variety name unless it is certified seed. Under Federal law, Title V of the Federal Seed Act, it is illegal to sell or offer for sale or advertise NC-7 peanut seed by variety name unless the seed is certified.

This warning is issued under Section 412 of the Federal Seed Act which provides that in certain circumstances a suitable warning may be issued instead of other action.

In addition to complying with the Federal Seed Act, persons handling seed of any protected variety are urged to exercise care to avoid infringing rights granted under Section 111 of the Plant Variety Protection Act.

Sincerely,

L.D. Dreyer
Seed Marketing Specialist

Enclosure

bcc: W. Pace (FL)
W. Vaughan (FL)
✓ K. Evans (PVPO)

bcc: This is our first record of violation of the Federal Seed Act by this shipper.